

REMARKS

Claims 1, 14, 20, 26-30, and 33-35 are currently pending in the present application, with Claims 1, 14, 20, and 26 being amended, Claims 34 and 35 being added and Claims 2-13, 15-19, 21-25 and 31-32 canceled. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1, 14, 20, 26-30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Weinstock et al. (U.S. Patent No. 6,166,314) in view of “Emagic Notator Logic Sequencing software (Macintosh)” by Kim Aikin [hereinafter “Aikin”]. This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to a method for editing musical performance data using a computer system having a display. As shown in Figure 2 of the present application, a plurality of notational layers (e.g., Tempo, Dyna, Joint, Modu, Accent) can be displayed in a parallel-stacked fashion wherein, in response to user instructions, execution icons can be graphically attached to each of the displayed layer. In accordance with the preferred embodiments, an execution icon, such as a tempo-related or accent-related execution icon, corresponds to execution-related data for imparting effects on the displayed musical performance data to thereby edit the given performance data. As also previously discussed, a novel feature of the present invention is the ability to control whether to display or not to display a specific layer, so as to limit the display screen to the display of layers actually used.

As previously communicated, Weinstock is directed to an apparatus for correlating performance data onto a musical score, where the performance data is inputted in real time. Applicants respectfully submit that Weinstock does not contain any disclosure or suggestion of controlling a computer system to, in response to user instructions, attaching an execution icon at a user designated location on one of the displayed layers through operations such as the drag-and-drop procedure. Rather, all of the items displayed on the screen in Weinstock are displayed at a predetermined position pre-set by the software program.


Aikins fails to make up for the sever deficiencies of Weinstock. As also previously communicated, Aikin is directed to a software sequencer having a "core printing" function called "NOTATOR LOGIC." Figs. 1 and 2 of the article show icons that are representative of musical instruments that can be assigned to tracks. Although Aikins discusses a "Hyper Edit Window" for using the Notator Logic to graphically edit musical notes, Aikin does not speak to graphically attaching execution icons to a plurality of displayed layers. Again, the last full paragraph on page 123 only speaks to displaying instrument icons, not execution icons. Accordingly, in view of all of the above, Applicants respectfully submit that Claims 1, 14, 20, 26-30 and 33 are not anticipated by, nor obvious in view of, Weinstock and Aikins.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. An early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Deputy to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032019700.

Respectfully submitted,

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